



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/488,390

Filing Date 01/19/2000

First Named Inventor David Tumej

Art Unit 2623

Examiner Name Vikkram Bali

Attorney Docket Number Tumej.001

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	return postcard; cover letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> CD, Number of CD(s) <u>4</u>	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**Remarks**

Includes a PETITION under 37 CFR 1.91 for entry of the CDs and other exhibits attached to the Affidavit.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Gunn & Lee, P.C.		
Signature			
Printed name	Eric W. Cernyar		
Date	March 18, 2005	Reg. No.	45,919

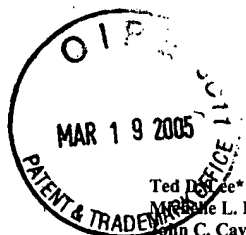
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Eric Cernyar	Date	March 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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March 18, 2005

Mail Stop ~~Non-Fee Amendment~~ → *AF*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Applicant: David M. Tumey  
Serial No.: 09/488,390  
Filed: 1/19/2000  
Title: Animated Toy Utilizing Artificial Intelligence and Facial Image Recognition  
Our File No.: TUMEY.001

Dear Sir or Madam:

Enclosed please find:

1. Transmittal Form;
2. Response to Dec. 8, 2004, Office Action;
3. Affidavit of David M. Tumey under 37 CFR §§ 1.131 and 1.132, with 14 attached exhibits, including 2 CDs in Exhibit 8 and 2 CDs in Exhibit 14 (all readable through MS-Windows);
4. Petition for Extension of Time (in duplicate for fee processing);
5. Petition under 37 CFR § 1.91 for entry of a model or exhibit;
6. Petition Fee Transmittal Form (in duplicate for fee processing); and
7. Return postcard.

Yours truly,

Eric W. Cernyar  
Reg. No. 45,919

Enclosures